

and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOSE TORO NARANJO, a/k/a "Jorge Ivan Toro Naranjo," a/k/a "Don Marcos," and RAFAEL DE JESUS RICAURTE-GOMEZ, a/k/a "Naruto," a/k/a "Rafa," the defendants, and others known and unknown, would and did import into the United States and into the customs territory of the United States from a place outside thereof a controlled substance, in violation of Title 21, United States Code, Sections 952(a) and 960(a)(1).

3. It was further a part and an object of the conspiracy that JOSE TORO NARANJO, a/k/a "Jorge Ivan Toro Naranjo," a/k/a "Don Marcos," and RAFAEL DE JESUS RICAURTE-GOMEZ, a/k/a "Naruto," a/k/a "Rafa," the defendants, and others known and unknown, would and did manufacture and distribute a controlled substance, intending and knowing that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 959(a) and 960(a)(3).

4. The controlled substance that JOSE TORO NARANJO, a/k/a "Jorge Ivan Toro Naranjo," a/k/a "Don Marcos," and RAFAEL DE JESUS RICAURTE-GOMEZ, a/k/a "Naruto," a/k/a "Rafa," the defendants, conspired to (i) import into the United States and

into the customs territory of the United States from a place outside thereof, and (ii) manufacture and distribute, intending and knowing that such substance would be unlawfully imported into the United States and into waters within a distance of 12 miles of the coast of the United States from a place outside thereof, was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, its salts, optical and geometric isomers, and salts of isomers, in violation of Title 21, United States Code, Section 960(b)(1)(B).

(Title 21, United States Code, Sections 959(c) & 963;
Title 18, United States Code, Section 3238.)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offense charged in Count One of this Indictment, JOSE TORO NARANJO, a/k/a "Jorge Ivan Toro Naranjo," a/k/a "Don Marcos," and RAFAEL DE JESUS RICAURTE-GOMEZ, a/k/a "Naruto," a/k/a "Rafa," the defendants, shall forfeit to the United States, pursuant to Title 21, United States Code, Sections 853 and 970, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the offense and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the offense charged in Count One of this Indictment.

Substitute Assets Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of JOSE TORO NARANJO, a/k/a "Jorge Ivan Toro Naranjo," a/k/a "Don Marcos," or RAFAEL DE JESUS RICAURTE-GOMEZ, a/k/a "Naruto," a/k/a "Rafa," the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Sections 853(p) and 970, to seek forfeiture

of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 853 & 970.)

Patricia Lanza
FOREPERSON

Preet Bharara
PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JOSE TORO NARANJO,
a/k/a "Jorge Ivan Toro Naranjo,"
a/k/a "Don Marcos,"
and
RAFAEL DE JESUS RICAURTE-GOMEZ,
a/k/a "Naruto,"
a/k/a "Rafa,"

Defendants.

SEALED
INDICTMENT

15 Cr.

(21 U.S.C. §§ 959(c) & 963; and
18 U.S.C. § 3238.)

PREET BHARARA
United States Attorney.

A TRUE BILL

Patricia Paez Foreperson.

2/26/15 Filed Sealed Indictment
AC D/W issued. Jerry Fox
LSW